

Dennis M. Reznick (DR4841)  
Charles W. Stotter (CS4313)  
EDWARDS ANGELL PALMER & DODGE LLP  
One Giralda Farms  
Madison, NJ 07940  
(973) 520-2300

Judith S. Okenfuss, Esq. (*Admitted Pro Hac Vice*)  
James L. Petersen, Esq. (*Admitted Pro Hac Vice*)  
ICE MILLER LLP  
One American Square, Suite 3100  
Indianapolis, IN 46282-0200

*Attorney for Defendants RC2 Corporation, Learning  
Curve Brands, Inc., Wal-Mart Stores, Inc. and Toys "R" Us, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAVID MURDOCK, Individually and as )  
Father and Next Friend of BEAU FARISH )  
MURDOCK and ANABELLE SAGE )  
MURDOCK, minor children, on behalf of )  
all others similarly situated, )

Plaintiffs, )

v. )

RC2 CORPORATION, LEARNING )  
CURVE BRANDS, INC., LEARNING )  
CURVE BRANDS, INC. d/b/a RC2 )  
BRANDS, INC., WAL-MART STORES, )  
INC. and TOYS "R" US, INC., )

Defendants. )

Civil Action No. 2:07-CV-03376 (WHW-MF)

**DEFENDANTS' NOTICE OF MOTION TO  
DISMISS CLASS ACTION COMPLAINT**

**ORAL ARGUMENT REQUESTED**

**[Document Electronically Filed]**

TO: Peter S. Pearlman, Esq.  
COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP  
Park 80 Plaza West-One  
Saddle Brook, NJ 07663  
*Attorneys for Plaintiff*

Jack Reise, Esq.  
Stuart A. Davidson, Esq.  
James L. Davidson, Esq.  
COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
120 E. Palmetto Park Road, Suite 500  
Boca Raton, FL 33432-4809  
*Attorneys for Plaintiff*

PLEASE TAKE NOTICE that on Monday, November 12, 2007 at 9:30 a.m., or as soon thereafter as counsel may be heard, Edwards Angell Palmer & Dodge LLP, attorneys for defendants RC2 Corporation, Learning Curve Brands, Inc., Wal-Mart Stores, Inc., and Toys “R” Us, Inc. (collectively referred to as the “Defendants”), shall move before the Hon. William H. Walls, U.S.D.J., at the United States District Court for the District of New Jersey, M.L. King Jr. Federal Building and U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102, pursuant to Fed. R. Civ. P. 12(b)(6) and Local Civil Rule 7.1(c), for an Order dismissing the Class Action Complaint, and each cause of action therein, for failure to state a claim, and for such further and similar relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants shall rely upon the Certification of Judith S. Okenfuss, Esq., with exhibits annexed thereto, and the Memorandum of Law in Support of Defendants’ Motion To Dismiss Class Action Complaint, filed herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order of Dismissal is also filed herewith.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument.

Respectfully submitted,

EDWARDS ANGELL PALMER  
& DODGE LLP

By: s/Dennis M. Reznick  
Dennis M. Reznick (DR4841)  
Charles W. Stotter (CS4313)

One Giralda Farms  
Madison, NJ 07940  
(973) 520-2300

and

Judith S. Okenfuss, Esq.  
*(Admitted Pro Hac Vice)*  
James L. Petersen, Esq.  
*(Admitted Pro Hac Vice)*  
ICE MILLER LLP  
One American Square, Suite 3100  
Indianapolis, IN 46282-0200

Attorneys for Defendants RC2 Corporation,  
Learning Curve Brands, Inc., Wal-Mart  
Stores, Inc., and Toys "R" Us, Inc.

206367

**CERTIFICATION OF SERVICE**

I hereby certify that on October 10, 2007, a true copy of the within Notice of Motion to Dismiss Class Action Complaint was served pursuant to the Federal Rules of Civil Procedure, and/or the District of New Jersey's Local Civil Rules and/or the District of New Jersey's ECF Policies and Procedures, and by sending same via first class mail service offered by the U.S. Postal Service, in postage paid envelopes addressed to the following counsel for the parties at the addresses indicated:


Peter S. Pearlman, Esq.  
COHN LIFLAND PEARLMAN  
HERRMANN & KNOPF LLP  
Park 80 Plaza West-One  
Saddle Brook, NJ 07663

*Attorneys for Plaintiff*

Jack Reise, Esq.  
Stuart A. Davidson, Esq.  
James L. Davidson, Esq.  
COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS LLP  
120 E. Palmetto Park Road, Suite 500  
Boca Raton, FL 33432-4809

*Attorneys for Plaintiff*

Executed on: October 10, 2007

  
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Charles W. Stotter